

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-14 are presently pending and allowed.

In the Office Action, the specification was objected to; the declaration was objected to; and the priority claim was objected to.

The present application was filed as a national phase application of PCT Application No. PCT/US02/08345, filed on March 20, 2002, and therefore the Applicant requests the clarification of this fact on the record.

The Preliminary Amendment filed on September 22, 2003, provides clear evidence of the original intention to enter the national stage under 35 U.S.C. §371 by making amendments to the specification to so indicate. The Applicant submits, for the reasons discussed below, that the amendment made to the specification properly indicated that this application is a §371 application. Therefore, the Applicant requests the withdrawal of the objection to the specification.

Regarding the objection to the declaration, the Applicant notes that the prior PCT Application No. PCT/US02/08345, filed on March 20, 2002, did not designate the U.S., and therefore, the listing of the PCT application data in the "Prior Foreign Applications(s)" section of the declaration, as this section is defined therein, was proper. Applicant notes that this section of the declaration states that "I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below...." These sections of the statute clearly allow entry into the national stage for applications entitled to the right of priority based on a prior filed international

application which designated at least one country other than the United States, as in the present case. Thus, the PCT application in the present instance falls under this “Prior Foreign Application(s)” section. (The Applicant notes that Form PTO/SB/01 contains similar designations for such PCT applications.) Furthermore, the declaration clearly indicated that such priority benefits were being claimed by the indication of “yes” in the appropriate column. Accordingly, the Applicant submits that the declaration is correct, and therefore requests the withdrawal of the objection thereto.

Regarding the priority claim, the Applicant again submits that the priority claim is proper and that all of the requirements under 35 U.S.C. §371 have been met.

In order to further clarify the record, the Applicant are submitting herewith a Form PTO-1390 and a Supplemental Application Data Sheet that provides the priority claim information set forth in the declaration and the Preliminary Amendment filed on September 22, 2003.

Therefore, the present application is believed to be in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this or any previous paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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